

REMARKS

In the final Office action dated May 24, 2002, claim 34 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner stated that claim 34 directly conflicts with independent claim 26 from which it depends. Applicants again respectfully submit that claim 34 does not conflict with claim 26 but merely additionally requires that the recited second element be secured inferior to the renal arteries. That is, the second element can be secured both superior and inferior to the renal arteries. Therefore, it is respectfully submitted that claim 34 satisfies the requirements of § 112, second paragraph.

In the final Office action, independent claim 26 was rejected under 35 U.S.C. § 102(b) as being anticipated by Fogarty et al. (U.S. 5,679,882). The Examiner stated that the Fogarty reference discloses a method involving attaching a second element including element P and 150 subsequent to actuating elements 124, 126 as well as fixating the second element 150 superior to the renal arteries. In so rejecting claim 26, the Examiner has apparently combined vascular prosthesis P and sleeve 150 into a single element because when taken individually, neither structure is ultimately both attached to a first element having a bifurcation junction and fixated superior to renal arteries, as is required by the pending claims. Applicants again respectfully submit that the Fogarty reference does not teach element P and item 150 as being "a second element" but rather teaches two separate structures which are independently placed within vasculature. At Col. 10, Ins. 5-10, the Fogarty reference clearly teaches implanting a vascular prosthesis P between an upper sleeve 140 and a base sleeve 100 or 120 which have been previously placed within vasculature. Moreover, while sleeve 150 is contemplated to be an alternative to upper sleeve 140, there is no teaching in the Fogarty reference of either sleeve 140

or sleeve 150 as accomplishing affixing prosthesis P within vasculature, let alone superior to renal arteries. Since prosthesis P is taught to be inserted after the sleeves, the prosthesis P itself apparently includes structure accomplishing fixation within vasculature. Thus, Fogarty does not teach attaching a second element to a first element having a bifurcation junction in combination with fixating a second element superior to renal arteries. To further emphasize these differences, new claim 38 has been added to the present application for examination. Accordingly, it is believed that independent claim 26 and the pending claims depending therefrom define patentable subject matter.

Respectfully submitted,

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